

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 3, 5, 21-22, 35, 37-38, 41-44, 47 and 49-50 have been amended. Claims 1-72 are pending and under consideration. Claims 3, 5, 21, 22, 35-38, 41-44, 47-50, 53 and 54 are objected to. Claims 55-72 are allowed.

REJECTION UNDER 35 U.S.C. §102:

Claims 1, 4, 6-18, 24-34, 39, 40, 45, 46, 51 and 52 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Mosher.

Using independent claim 1 as an example, this claim recites "a metal detector test system to recoverably support a metal test piece." According to the Examiner, since the metal test objects supported by the conveyor belt 204 of Mosher (FIG. 4) are re-used, this reference discloses that the metal test piece is "recoverably" supported. Applicants respectfully disagree with the Examiner.

Mosher relies upon an operator to remove the metal test object from the package 11 in order to re-use the metal test object. Mosher, col. 6, ln. 56-57. Thus, the apparatus does not support the test object so that it is recovered. Instead, the user performs the support during the recovery.

Claims 12-14, 17, 18, 25-29, 33, 34, 39 and 40 are rejected under 35 U.S.C. §102(f) as being clearly anticipated by the Applicant's own admission of prior art in the written description.

The admitted prior art, at page 1 of the present application, indicates that the conventional method involves manually dropping the test piece. Furthermore, by implication, manual recovery similar to that disclosed in Mosher would also be necessary. Thus, the test piece is not "recoverably supported" by the apparatus.

Claims 1, 6-10, 12, 16-20, 23, 25-27, 29, 31 and 32 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Thompson.

Thompson generally relates to a shot peening system to direct a stream of shot at a surface at high velocity. Thompson, column 1, lines 29-32. A probe 24 is inserted within the field 14 of a sensor 12 to determine a calibration constant K. Thompson, column 3, lines 58-62.

There is no disclosure in Thompson that the probe 24 is supported by some mechanical means other than a hand operation. Instead, Fig. 2 suggests that the probe would be supported by at least hand operation in order to be inserted within the sensor.

Claims 1, 4, 8, 9, 11-13, 14, 16, 17 and 19 are rejected under 35 U.S.C. §102(b) as being anticipated by Nisshin (JP 09072885).

The Examiner refers the Applicants to the European Search Report (dated September 10, 2002). The report simply refers to the Abstract and Fig. 2 of this reference. However, neither of these portions mention recoverably supporting the test piece. For example, the Abstract simply says that a test piece is fed, detected, or if not detected, re-detected. However, the recovery method for re-detection is not disclosed.

Claims 1, 2, 6-10, 12-20 and 23-32 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Hannam et al. (EP 0418069).

Using independent claim 1 as an example, this claim recites "a metal detector test system . . . to move the test piece along the flow path." This reference appears to disclose that test piece 5 is moved within a tube 3. However, the tube 3 is located below a conveyor belt 10 which conveys the materials. EP '069, FIG. 1. Thus, the test piece does not move along the flow path.

Claims 1, 2, 6-10, 12-20 and 23-32 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Hannam et al. (GB 2235981).

Using independent claim 1 as an example, this claim recites "a metal detector test system . . . to move the test piece along the flow path." This reference appears to disclose that test piece 5 is moved within a tube 3. However, in this reference the tube is located below a conveyor belt which conveys the materials. Thus, the test piece does not move along the flow path.

ALLOWABLE SUBJECT MATTER:

Claims 3, 5, 21, 22, 35-38, 41-44, 47-50, 53 and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 55-72 are allowable over the art of record.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

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By _____

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